

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 15TH MAY 2007 / 25TH VAISAKHA 1929

Bail Appl..No. 2828 of 2007()

CP.16/2005 of J.M.F.C.-I, ALUVA
CRIME NO.311/03 OF ALUVA POLICE STATION
.....

: PETITIONER/4TH ACCUSED.

KABEER, POOKKATTUPADY KARAYIL,
AMBUNAD BHAGAM, POOTHETHU VEETIL,
ALUVA EAST VILLAGE.

BY ADV. SRI.R.REJI
SMT.C.A.AJITHA SALAM

RESPONDENTS:

STATE OF KERALA REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM, REPRESENTING THE CIRCLE INSPECTOR
OF POLICE, ALUVA.

BY PUBLIC PROSECUTOR SRI.P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 15/05/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

V.RAMKUMAR, J.

B.A.No.2828 of 2007

Dated this the 15th day of May 2007

O R D E R

Petitioner who is the fourth accused in Crime No.311/2003 of Aluva Police Station for offences punishable under Sections 436 read with section 34 I.P.C., seeks anticipatory bail.

2. Consequent on the non-appearance of the petitioner in C.P.No.16/2005 on the file of the J.F.C.M-I, Aluva, non-bailable warrants of arrest are pending against the petitioner. Anticipatory bail cannot be granted to nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioner should not surrender before the Magistrate and seek regular bail. Accordingly, if the petitioner surrenders before the Magistrate and files an application for regular bail within two weeks from today, the same shall be considered and disposed of preferably on the same day on which it is filed after considering the explanation offered by the petitioner for his previous non-appearance.

With the above observation, this application is disposed of.

**V.RAMKUMAR,
JUDGE.**

jsr

